

EUGENE BORELL.

DECEMBER 30, 1831.

Mr. CARR, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee on Private Land Claims, to whom was referred the petition of Eugene Borell, of Louisiana, report:*

The petitioner states, that, by himself and others under him, he has inhabited and cultivated before, and ever since the 20th December, 1803, a certain tract of land, containing six hundred and forty acres, situate in the county of Attakapas, at a place called Sheepeek, and lying upon the west side of the Bayou "Cypre-mort," and which he says was not confirmed to him in consequence of his not having it registered within the time allowed by law, and gives his total ignorance of the law, as a reason for his neglect in that particular; and prays that the land may be confirmed to him. The affidavit of Jean Baptiste Bourgeois, shows the settlement and cultivation of the claimant, that the land is vacant, and describes it to be on the Bayou "Cypre-mort," and on the west side thereof, and as a part of a tract of twenty-four acres, fronting on the said Bayou, by forty back, bounded northwardly by lands of the heirs of Joseph Sorrel, (or Sowel,) southerly by other lands of the said heirs, and westwardly, at the depth of forty arpens, by public lands. He further swears, that he has continued to improve the land ever since his settlement, that he made in the beginning a very small improvement, and had a few cattle upon the land, but that he has gradually increased the improvements ever since; and that there is now twenty-four acres under good fence, (or was at the time of making the affidavit) besides a dwelling-house, kitchen, cabins, and out-houses.

Francis Borrel swears, that, from his own knowledge, all the matters contained in the affidavit of Jean Baptiste Bourgeois, are true; that he, himself, was born in the parish of St. Mary's, is now forty-four years old, has always resided there, and is well acquainted with all the facts stated in the preceding affidavit. The Honorable Wm. L. Brent, the former representative from that part of Louisiana, certifies, that the justice before whom the affidavits were taken, was duly qualified to take them, that he is acquainted with the witnesses, and believes them to be honest men, and entitled to credit.

The act of 2d March, 1805, L. L. p. 518, clearly recognises the principle of allowing to actual settlers, prior to the 20th December, 1803, a donation of six hundred and forty acres of land, where they have inhabited and culti-

vated the same. The claim seems to the committee clearly within, not only the spirit, but the letter of that act. The circumstance of the claimant not having made his claim within the time, and in the manner prescribed by the various statutes in those cases made and provided, your committee think ought not to be permitted to preponderate against the justice of the claim, as they have no doubt of the truth of his affirmation, that it was his ignorance of the necessity of doing so, which caused him to omit it. If the principle of granting such donations be sound, the omission to make the claim at a particular time, or in a particular manner, cannot affect the abstract intrinsic justice of the proposition. The committee therefore report a bill for his relief.